

502 KAR 45:025. Disqualification.

RELATES TO: KRS 16.040, 16.050

STATUTORY AUTHORITY: KRS 16.040, 16.050, 16.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.040 requires the Commissioner of State Police to prescribe minimum physical requirements for persons appointed as state police officers, and to conduct tests to determine the fitness and qualifications of applicants. KRS 16.080 authorizes the commissioner to adopt administrative regulations for the enlistment of officers. KRS 16.050 requires the State Police Personnel Board to adopt administrative regulations to provide for competitive examination as to the fitness of applicants for employment as officers, and for the establishment of eligible lists for employment based upon competitive examination. This administrative regulation establishes the grounds for disqualification from competition in the process.

Section 1. Applicants shall be disqualified from further participation in the selection process or removed from the register if it is determined that:

- (1) An applicant does not meet any one (1) of the qualifications for appointment as an officer;
- (2) An applicant has made a false statement of material fact on the application, or in response to any questions or requests for information during the selection process;
- (3) An applicant has used or attempted to use political influence, coercion or bribery to secure an advantage in any phase of the selection process;
- (4) An applicant has cheated during the course of any examination required during the selection process, or has attempted to gain an advantage over other applicants by any dishonest or intentionally misleading act or omission;
- (5) An applicant has failed to comply with any instructions from the department relating to the selection process;
- (6) An applicant has been dismissed for cause from any public agency, or has resigned while charges of misconduct were pending;
- (7) An applicant has been convicted of a felony or any crime of moral turpitude;
- (8) An applicant is a current user of a controlled substance, unless prescribed by a physician;
- (9) An applicant is addicted to or is a habitual user of any controlled substance or intoxicant;
- (10) An applicant has more than six (6) driver demerit points against his operator's license;
- (11) An applicant tests positive for an unlawful controlled substance as determined by a blood or urine analysis; or
- (12) An applicant has tattoos that can be seen when the applicant wears a Kentucky State Police summer uniform shirt, which the Kentucky State Police will make available for the applicant to try on when the applicant takes the written examination.

Section 2. If cause exists to believe that an applicant has committed an act or omission which if true would result in disqualification, the department may defer any further processing of the application, or may condition further processing upon successful completion of a polygraph examination conducted by a licensed examiner employed by the department.

Section 3. An applicant who is disqualified or upon whose application further processing is deferred shall be informed within ten (10) working days of the reason for the disqualification or deferral, and of the right to appeal to the State Police Personnel Board. (19 Ky.R. 2178; Am. 2408; eff. 5-10-93; 22 Ky.R. 956; 1462; eff. 2-12-96; 30 Ky.R. 2231; 31 Ky.R. 65 eff. 8-6-04; Crt eff. 2-25-2020.)